



BLOG

## Conservatives and Liberals Rally Support for Repealing Mandatory Life Sentences in Michigan

Senate proposals would complete 15-year effort to end mandatory minimum drug sentencing

Posted by Kahryn Riley on June 5, 2017 at 2:00pm

A 15-year battle to repeal some of the few mandatory life sentences remaining on the books in Michigan could soon be won as the Legislature considers a package of bills. The issue has seen liberals and conservatives aligned.

Mandatory sentences are different from the typical way courts decide a punishment for a crime. First, let's describe how sentencing usually works.



In Michigan, which uses a system called "indeterminate sentencing," every crime on the books carries a maximum penalty that was set by the Legislature at the passage of the law creating the crime. When someone breaks that law, a judge will refer to a book known as the Michigan Sentencing Guidelines to get a sense of what's considered a proportional penalty for that offense. The judge also will have a report about the specific offender in the case. Using the guidelines, the report, and professional discretion, the judge imposes a minimum sentence. Michigan has a "Truth in Sentencing" policy, which means that the offender will serve every day of the minimum sentence set by the judge (there's no "credit" for good behavior or self-improvement). The Michigan Parole Board determines whether the offender who has served the minimum sentence should be released. If it says no, that person will have to serve time even longer, even up to the maximum amount set by law.

But mandatory minimum sentences are different. In those cases, the judge has no discretion when imposing a minimum sentence. The Legislature specifies the minimum the judge must impose.

Mandatory minimum sentences were created largely as part of the war on drugs, but some officials say they contribute more to bloated budgets than safer communities. A coalition of liberal and conservative interest groups have circulated a letter supporting the legislation among lawmakers and others in Lansing. It quotes David Morse, who was president of the Prosecuting Attorneys Association of Michigan

when mandatory drug minimums came into vogue. He described them this way: "The idea of stiff severe penalties for drug kingpins was a problem because we weren't getting [them]. ... We were getting people who were carrying on behalf of kingpins."

Michigan repealed most of its mandatory drug minimum sentencing laws in the early 2000s. Now Morse and a coalition of like-minded advocates are urging lawmakers to finish the job. A number of organizations have called for ending mandatory life without parole sentences for drug offenders. They include Families Against Mandatory Minimums, the Citizens Alliance on Prisons and Public Spending, Prison Fellowship, FreedomWorks, Right on Crime, Americans for Tax Reform, Reason and U.S. Justice Action Network. These stakeholders have spoken out in support of two bills that would repeal a mandatory sentence of life without parole for a second conviction of possessing small amounts of certain illegal drugs. The bills would change the punishment for a second conviction from a sentence of mandatory life imprisonment without parole to one that is double the punishment for a first offense.

These are good proposals. One-size-fits-all sentencing policies are an affront to the idea of proportionality of punishment. Mandatory minimum drug sentencing results in the unnecessary and very expensive incarceration of thousands of nonviolent offenders, wreaking havoc on families and local communities. The first waves of drug sentences reforms in this state, which lessened punishments, were followed by a 40 percent overall reduction in crime between 2003 and 2015 and inspired over a dozen states to follow our lead. These latest bills represent the long-overdue completion of Michigan's leadership on sentencing reforms and a clear step in the right direction on smart criminal justice reform.

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